

**BELLA VISTA CITY COUNCIL FEBRUARY REGULAR MEETING – FEBRUARY 22, 2021 MINUTES**

**Call to Order:** Mayor Christie called the meeting to order at 6:30PM

**Pledge of Allegiance** recited.

**Roll Call of Council:** City Clerk Jertson called the roll; Council Members, Wozniak, Flynn, Fowler, Bourke and Wilms were present. Mr. Snow joined the meeting a few minutes in.

**Citizen Input:** Robin Grosbeck spoke on behalf of the residents of Castleford Dr. in support of the planning commission's recommendation on the rezoning of the property on Lake Ann. They support the rezoning of only a portion of the property in question.

**Council Reply:** Mayor Christie stated that Council Member Fowler will make his comments when this item is up for discussion in a few minutes.

**Approval of the Minutes** from January 25<sup>th</sup> meeting. Mr. Wilms made a motion to amend the minutes to reflect his position on not supporting the Resolution concerning the Municipal Depository Board. Mr. Flynn seconded his motion. After some discussion the addition of the reason Mr. Wilms did not support the Resolution will be added to the minutes as follows; *"Mr. Wilms suggested that the clerk not be on the depository board because the Clerk is not a voting member of the Council and not directly responsible to the electors."* A roll call vote on the amendment to the minutes was taken and was supported by Wilms, Bourke, Snow, Flynn and Fowler. Wozniak voted no. Minutes will be changed to reflect this action.

Mr. Wilms then brought up another change he would like to add to the minutes from Jan. 25<sup>th</sup> meeting. He felt that *"value-engineering was not completed during final design and plan preparations stage as it is rarely, if ever, possible to achieve savings after bidding using change orders. Chief Sims stated that there are a number of optional items in the bidding that they will select to achieve best value options for the city."* Wilms moved to have this change recorded in the minutes, Fowler seconded. Vote was called and was supported by Wilms, Fowler, Flynn and Snow. Opposed were Bourke and Wozniak. Minutes will be changed to reflect this action.

Mayor Christie then asked for a motion to approve the minutes as amended. Mr. Wilms made the motion, seconded by Mr. Fowler. Roll call vote was supported by all 6 council members.

Minutes from the February 4<sup>th</sup> Special Meeting; Motion to approve by Fowler, second by Flynn. Vote was approved by Wozniak, Bourke, Flynn, Fowler and Snow. Wilms did not vote. Minutes approved.

**Financial report** for December reviewed by Mayor Christie. The City remains in very a good financial position. With \$9.4 million in the bank. He stated that if there are any questions that they be directed to Finance Director Elsten.

**Mayor Christie** then gave the State of the City presentation as required by state law. NOTE: This presentation is added to these minutes.

**Motion to Suspend** the Rules and read all Ordinances and Resolutions by Title only by Snow, seconded by Wilms. Supported unanimously.

**OLD BUSINESS:**

**ORDINANCE 2021- AMENDING THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO PROVIDE FOR THE CONSTRUCTION OF CERTAIN MINIMUM-SIZED SEPTIC SYSTEMS BASED ON THE SQUARE FOOTAGE OF THE RESIDENTIAL STRUCTURE TO BE SERVED, DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES.** (Tabled from December, 2020 on Second Reading) *Mayor Christie brought everyone up to date of the discussion that has been held in the past as well as the input from various community members and interested parties. Mr. Wozniak stated that he feels that the staff needs to take the necessary time to do this correctly and not to rush it to completion. CDS Director Tapp stated that he thought they could have this done by the May council meeting. Mr. Wilms stated that he would like to be a part of the discussions moving forward and stated that more Council members may also want to be involved. Mr. Bourke feels that we have good momentum on this issue and that it needs to be done correctly as well, as timely. He urged keeping the momentum moving in a sense of urgency. Mr. Wilms stated that he thought the issue of new construction is a priority to get rules in place. Mr. Fowler asked for updates as this moves along. Motion to table indefinitely by Wilms, second by Fowler. Roll call vote unanimous.*

**ORDINANCE 2021-01 AMENDING THE BELLA VISTA ZONING ORDINANCE AND MAP TO REZONE PROPERTY DESCRIBED IN REZONING PETITION NO. 2020-36098 (COUNTY PARCEL NO. 16-31043-000) FROM P-1, CONSERVATION DISTRICT, TO R-1, SINGLE FAMILY RESIDENTIAL.**(Second Reading) *Mayor Christie read the Ordinance and then turned it over to Mr. Fowler for his comments as to the Amended Ordinance and his reasons for this change. He gave an explanation of the P-1 designation in zoning. It does not refer to Park land but rather a conservation district. It is to protect the land uses of this area. He stated that some of the references in the Cooper proposal were misleading. He wanted it clear that that the staff was recommending the rezoning of just 2.25 acres of the property that was not in the flood zone. And to leave the rest as P-1. This parcel is private property and will remain so. The P-1 designation does not change that in any way. The applicant stated that not allowing this change to all R-1 deprives them of the value of the land. Mr. Fowler does not believe to be true. Senior Planner Derek Linn then spoke to the P-1 designation. If a developer was to build in this area, they would be required to elevate the home to avoid the potential of flooding. However, it does not require that developer to provide an impact statement as to the effect it may have on adjoining property. That in essence is the reason to keep that area as P-1. Mayor Christie stated for those attending that the Ordinance proposed does indeed follow the recommendation of the planning department. Mr. Fowler stated that in areas like this it is important to protect watersheds such as this from improper development that could affect the area surrounding. Mr. Flynn asked Mr. Fowler is he is still in favor of the amended Ordinance as presented. He stated that he does support the Ordinance. He asked if any comments have been made by the applicant as to their feelings on this amended Ordinance. None were noted.*

*Mr. Wilms then suggested an amendment to the Ordinance to better depict the area that is affected. Mr. Bourke then stated that he feels that the Planning Commissions handling of this issue has been done very well and that that they have been very thorough in their deliberations of this issue. Mr. Wilms proposed amendment was seconded by Fowler. At this point A roll call vote was taken on the amendment. It was passed unanimously.*

**SECTION 2:** For mapping purposes, the depiction of the R-1 and P-1 Zones will be as provided by verification of the surveyed floodplain boundary (and resulting zoning district boundaries) shall be as

depicted on the 11/16/2020 survey performed by PLS # 1286 (Job # 20105) and as heretofore provided to City of Bella Vista. ( This is to be added to the Ordinance)

*Mr. Wilms then made a motion to suspend the rules and move to third and final reading on the amended Ordinance. It was seconded by Mr. Fowler. Roll call vote was unanimous to approve. The Mayor then read the Ordinance for the final time. Mr. Wozniak moved to approve, seconded by Wilms. Vote was unanimous to approve.*

**ORDINANCE 2021-02** AMENDING ARTICLE III OF CHAPTER 24 OF THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA CLARIFY THE DEFINITION OF SPECIAL EVENT, TO MODIFY THE TIMING REQUIREMENTS FOR APPLICATIONS, TO MAKE ADDITIONAL MODIFICATIONS, AND FOR OTHER PURPOSES.(Please note Proposed amended version included) (Staff requests move to third and final reading)

*Mayor Christie explained the reason for the amended version of the Ordinance. Staff Attorney Kelley explained the reasons for the changes that were made to the Ordinance and the addition of the emergency clause. Mr. Wozniak moved to amend, second by Flynn. Roll call Vote was unanimous to approve. Motion made by Fowler to move to third and final reading. Second by Wilms. Vote was unanimous to approve. Mayor read for the third time and it was moved by Wozniak to approve, second by Wilms. Vote was unanimous to approve. Motion to adopt the emergency clause by Wilms, second by Wozniak. Vote was unanimous to approve.*

#### **NEW BUSINESS:**

**ORDINANCE NO 2021-03** AMENDING THE BELLA VISTA ZONING ORDINANCE AND MAP TO REZONE PROPERTY DESCRIBED IN REZONING PETITION NO. 2020-36834 (COUNTY PARCEL NO. 16-40238-000) FROM R-1, SINGLE FAMILY RESIDENTIAL TO C-2, LIGHT COMMERCIAL. (Request move to third and final reading.) *Mayor Christie gave a little history of this piece of property and the fact that the Legion is selling the building and the potential buyer would need the C-2 zoning. Mr. Wilms asked if the C-2 designation is proper. He questioned that C-2 includes too many potential uses. Staff explained that this was the request of the applicant. Mr. Fowler made a motion to move to 3<sup>rd</sup> and final reading, second by Flynn. Vote was unanimous to approve. The Mayor then read the Ordinance for the final time and Mr. Fowler moved to adopt, second by Wozniak. Vote was unanimous to approve.*

**R2021-06 RESOLUTION-** CONFIRMING THE MAYOR'S APPOINTMENT OF DOUG TAPP TO BE THE CITY OF BELLA VISTA REPRESENTATIVE ON THE BENTON COUNTY REGIONAL SOLID WASTE MANAGEMENT DISTRICT BOARD. Mayor Christie stated that all Mayors in the county are automatically a part of this board. Mr. Wilms stated that most cities have a representative on this board from staff. Some smaller cities the Mayor represents. Motion to approve by Fowler, second by Wozniak. *Vote was unanimous to approve.*

**R2021-07 RESOLUTION-** MAKING VARIOUS ADJUSTMENTS TO THE 2021 CITY BUDGET RELATED TO RESTRICTED FUNDS. *Mayor Christie read the Resolution and explained restricted funds. Mr. Wilms had some questions about some of the items mentioned and wondering if the money is the wrong columns in the bridge accounts. The Mayor told Mr. Wilms that he should ask Cary about this. Wozniak moved approval, second by Flynn. Vote was unanimous to approve.*

**R2021-08 RESOLUTION-** AWARDING BID AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH PINNACLE EMERGENCY VEHICLES IN AN AMOUNT NOT TO EXCEED \$150,000.00 FOR A REMOUNT OF A 2013 4X4 CHIEF XL BRAUN AMBULANCE FOR THE FIRE DEPARTMENT. Mayor Christie explained the savings of doing a remount instead of buying a new Ambulance. Saving about \$100,000. Motion to approve by Wozniak, second by Wilms. *Vote was unanimous to approve.*

**R2021-09-RESOLUTION-** AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH 1<sup>ST</sup> EMPLOYMENT STAFFING IN AN AMOUNT NOT TO EXCEED \$38,685.00 TO PROVIDE PERSONNEL FOR SEASONAL RIGHT-OF-WAY MOWING FOR 2021. *This is a seasonal item that we do each year. Mr. Wilms suggested that we look at hiring retired Military for this in the future. Motion to approve by Fowler, second by Wozniak. Vote was unanimous to approve.*

**R2021-10 RESOLUTION-** AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH SUPERIOR AUTOMOTIVE GROUP OF SILOAM SPRINGS, PURSUANT TO A STATE PROCUREMENT CONTRACT, FOR THE PURCHASE OF A 2021 CHEVROLET 4X4 PICKUP TRUCK IN AN AMOUNT NOT TO EXCEED \$32,532.90 FOR THE STREET DEPARTMENT. *This is in the budget and a motion to approve was made by Wozniak, second by Fowler. Vote was unanimous to approve.*

*Mr. Wilms then asked for a more detailed history of the reasons that Department heads ask to replace a vehicle. Mayor Christie stated that he is not interested in micro-managing department heads on these type of requests. He trusts their judgement!*

**R2021-11 RESOLUTION-** AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH SUPERIOR AUTOMOTIVE GROUP OF SILOAM SPRINGS, PURSUANT TO A STATE PROCUREMENT CONTRACT, FOR THE PURCHASE OF A 2021 CHEVROLET POLICE PURSUIT TAHOE 4WD IN AN AMOUNT NOT TO EXCEED \$37,000.00 FOR THE POLICE DEPARTMENT. Motion to approve by Wozniak, second by Fowler. *Vote was unanimous to approve.*

*Mayor Christie then wished to express his thanks on behalf of the City to the two members of the Planning Commission that are being replaced. Shawki Al-Madhoun and Chad Nall have given very great service to the City in their time on the commission. He thanked them for that service.*

**R2021-12 RESOLUTION-** APPROVING THE MAYOR'S APPOINTMENT OF CRAIG HONCHELL TO THE BELLA VISTA PLANNING COMMISSION FOR POSITION 2 WITH A TERM EXPIRING ON MARCH 1, 2025. Motion to approve by Fowler, second by Wozniak. *Approved unanimously.*

**R2021-13 RESOLUTION-** APPROVING THE MAYOR'S APPOINTMENT OF SUSAN DUELL TO THE BELLA VISTA PLANNING COMMISSION FOR POSITION 3 WITH A TERM EXPIRING ON MARCH 1, 2025. Motion to approve by Wilms, second by Flynn. *Approved unanimously.*

**R2021-14 RESOLUTION-** AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A THREE (3) YEAR, ELEVEN (11) MONTH LEASE AGREEMENT WITH VANCON PROPERTIES, L.L.C. FOR PROPERTY TO BE USED AS ADDITIONAL OFFICE SPACE FOR THE CITY. *The Mayor explained the need for this additional space to be leased for use by Community Development Services. Mr. Snow asked if the city has ever looked at the idea of buying that property. Mayor Christie stated that he has talked to the owner about that possibility. He feels that the building would need to be examined closely to determine the value of the property. Motion to approve by Wilms, second*

*by Wozniak. Approved by unanimous vote.*

**MEETINGS AND ANNOUNCEMENTS:**

- The next City Council Work Session will be Monday March 15, 2021-at 5:30PM by Zoom meeting.
- The next Regular meeting of the City Council, Monday March 22, 2021 at 6:30 PM by Zoom meeting.
- Planning Commission Work Session will be February 25, 2021 at 4:30PM by Zoom meeting.
- Planning Commission Regular Meeting will be March 8, 2021 at 4:30PM by Zoom meeting.
- Board of Zoning Adjustment will be March 16, 2021 at 5:30PM by Zoom meeting.
- Board of Construction Appeals will be March 9, 2021 by Zoom meeting.

Meeting Adjourned at 8:19PM

  
City Clerk Wayne Vertson



  
Mayor Peter Christie

**MAYOR'S ANNUAL REPORT TO THE BELLA VISTA CITY COUNCIL**

**FOR THE YEAR 2020 AND LOOKING FORWARD TO 2021**

**AS REQUIRED BY STATE STATUTE §14-58-302**

**February 22, 2021**

Many adjectives come to mind describing 2020: different, distinct, peculiar, offbeat, divergent, challenging and, at times, downright frightening! Of course, I refer to the COVID-19 pandemic that still plagues the world, although as I write, vaccines are being rolled out across the world, our nation, our state and our community. Social unrest that has been bubbling beneath the surface has flared to the forefront and given us all reason to pause. From my perspective all these challenges have strengthened our resolve to move forward in unity and with purpose. I quote Franklin D. Roosevelt in 1945, a time that was full of uncertainty as World War II drew to a close and, although everyone knew that the world would be changed forever, no one knew the outcome: "The only limit to our realization of tomorrow will be our doubts of today. Let us move forward with strong and active faith."

In Bella Vista we continued to move forward in 2020. In my State of the City address last year I highlighted 11 activities that were on the horizon. We completed 10 of them. The annual Garage Sale was canceled due to COVID- 19 concerns. The Farmers Market was also regrettably put on the back burner for the year.

Allow me to highlight some of our 2020 accomplishments:

- The residents of Bella Vista voted to approve a 1% sales tax to fund a \$24M bond for three very important projects – our very first Public Safety building for police and the District Court, a new fire station number 3 on Glasgow and a fire training facility.
- We adopted our 2040 Comprehensive Land Use Plan with extensive input from residents.
- We completed 50 miles of soft surface trails, including 8 tunnels and 3 bridges as part of the Little Sugar trail network in the central area of the city which is connected to the Back 40 trails on the East side.
- We processed and inspected 416 new residential construction permits, which translates into aggregate growth of 1,405 new houses or 3,602% since the end of 2013.
- A new traffic light was installed at the intersection of Highway 71 and Kingsland Road.
- The addition to our Library was completed. Three new services were introduced by Library staff in response to COVID – 100% digital resource services, curbside pickup and Grab 'n Go. The closing of the Library due to COVID gave the staff the opportunity to complete an extensive reorganization of shelves and material as well as refurbishing the checkout area.
- Communications between the City and our residents became paramount and our Communications Director stepped up to the challenge to explain the bond election, to participate in the daily COVID Joint Information Center conference calls to ensure that residents had the most up-to-date information, and to provide residents with relevant information about our local city council elections. The city also provided information to residents on the importance of participating in Census 2020, which was successful. Bella Vista had the highest self-reporting response in the state at 84%. In conjunction with the Discover Bella Vista team

on the Advertising and Promotion Commission, we continued to promote trails and the healthy lifestyle of Bella Vista. As a result, for the second year in a row, the City of Bella Vista was recognized as the state's Winner of the Tourism Development & Creative Culture Trendsetter Award which is conveyed by Arkansas Business Magazine.

- Our Streets Department resurfaced 31 miles of road using asphalt and slurry. After many years of planning, they successfully widened and paved Rothbury Drive on the west side and County Road on the east side. They received 897 citizen requests of which 837 or 93% were completed in a timely manner.
- With the advent of COVID our Legal Department and Court had to completely revamp their processes to ensure the safety of all participants. This took weeks of effort by many people to pull together the end result. All arraignments were converted to Zoom calls. Parties were invited to appear in court remotely if they were unable or uncomfortable to appear in person. Given all these constraints, the Court was still able to initiate over 1800 cases and dispose of more than 1400 by the end of the year.
- The Fire Department was busy working on the bond project. They broke ground for new Fire Station Number 3. Our Community Paramedics began Tele-health/COVID-19 testing in conjunction with Northwest Health Systems. They were the central point of contact for PPE for all city offices and responsible for fogging all city offices with disinfectant on a frequent basis. In late December they took possession of another remounted and completely update ambulance, the fourth in as many years.
- The Police Department was also busy with the Bond project and the selection of an architect, civil engineers and construction manager. Throughout the pandemic our officers and staff have continued to provide excellent service. They established protocols that balanced officer safety and health with community concerns and needs. Appropriate staffing levels have been maintained throughout the entire department.
- Administration has also been on top of their game. HR released a new Employee Handbook, streamlined our health benefits system, adjusted the HSA plan, and selected a new payroll system to be cut over in 2021. The preparation for the new system absorbed countless hours of their time. On top of all this they continued to guide employees through their particular COVID experiences. Our IT department reacted quickly to the changing business world by introducing Zoom capabilities in all department. During the closure of the Library they worked with AT&T to bring fiber optics into the Library eliminating the need for satellite internet which as questionable at best. They continue to expand our network security, have completed the installation of all computers and electronic ticketing in Police patrol vehicles and upgraded the computers used by our Code Enforcement Officers and Building Inspectors. This has been a busy year for Finance. Our Finance Director was the central figure in our bond issue, which required many hours of planning, creating new budgets, tracking and working with underwriters and our bond counsel. The Director spent weeks working with State Finance and Administration grant contractors to complete the very detailed paperwork and submission requesting a state grant from the CARES Act. Thanks to her efforts, the city received a little over \$1M!
- We ended 2020 with an unrestricted reserve balance of \$9.4M, which is \$3.4M greater than our budgeted ending balance of \$6M. This ending balance of \$9.4M equals 55% of our annual unrestricted revenue of \$17.1M.

- Total 2020 General Fund revenues (restricted and unrestricted) of \$20.8M exceeded 2019 revenues by \$89K.
- Total 2020 General Fund revenues (restricted and unrestricted) came in at a budget deficit of \$1.7M. This deficit is comprised of a \$2.6M deficit in grant revenue budgeted for the ARDOT Mercy Way Bridge, and was offset by surpluses in almost every other category of revenue collected by the City.
- Separating the unrestricted revenues from total 2020 revenues, we have an unrestricted revenue surplus of \$995k. The main sources of 2020 revenue surpluses are in Sales Taxes at \$668k, Property Taxes at \$68k, and Building Inspection Fees at \$152k.
- Street Fund revenues for 2020 exceeded 2019 revenues by \$113k, and exceeded the 2020 budget by \$135k.
- General Fund 2020 operating, capital improvement, and debt service expenditures of \$19.9M exceeded 2019 expenditures by \$2.2M, but came in under budget by \$7M. Unfinished capital projects such as the Mercy Bridge expansion project contributed \$5.4M of this surplus, with the majority of the remainder coming from savings in cancelled travel and training expenditures due to the pandemic.
- Street Fund 2020 operating expenditures of \$3.3M were \$164k less than in 2019, and came in under budget by \$327K.

The year 2021 promises to be a very exciting year full of infrastructure improvements.

- Fire Station Number 3 on Glasgow: Construction will begin soon. Estimated completion is October 1<sup>st</sup>.
- The Public Safety complex has 60% drawings and Chief Graves be asking Council in May for permission to move forward with Construction. Estimated timeframe for construction is one year.
- Fire Training Facility: In the process of obtaining land.
- Blowing Springs/Metfield connector: Estimated completion by the end of March.
- ARDOT is planning to resurface Hwy 279 (Forest Hills Blvd) from Hwy 72 to the Missouri border. The project will start within two to four weeks. Estimated completion is mid-2021.
- The approved 2021 City budget for has \$2.6M set aside for street re-surfacing. This is double the normal annual budget.
- ARDOT will begin work on the Little Sugar and Tanyard Creek bridges on State Hwy 340 (Lancashire Dr.) this spring.

We will continue to work closely with the Arkansas Department of Health as well as local medical providers as we navigate through the vaccination stage of eradicating the COVID-19 virus.

Other projects under consideration include Impact Fees for new residential and commercial construction. As we continue to grow in size, the city must ensure that we have the financial resources to expand our services. We are reviewing the possibility of opening our Farmers Market in 2021. We plan to replace three wayfinding signs that have been destroyed by vehicle accidents as well as the straight line wind storm of 2019.



**As always, on behalf of all members of City Council, I extend our thanks to the many volunteers in our community who tirelessly help with the Library, Animal Shelter, trail maintenance, the recycling center, the museum, our churches, community groups and service clubs all of whom are vital to the success of our wonderful community. I also extend a huge thank you to our employees and their supportive families. We have a great team for a great city.**

**Bella Vista – A Wonderful Place to Call Home!**